

Appl. No. : **10/705,548**
Filed : **November 10, 2003**

REMARKS

Claims 1-31 are currently pending in the instant application. Applicants gratefully acknowledge the Examiner's allowance of claims 1-26. Claims 27-31 stand rejected 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,270,744 ("Portney"). Applicants respectfully traverse the rejection.

Claims 27-31 Are Not Anticipated by Portney.

Claims 27-31 stand rejected 35 U.S.C. § 102(b) as being anticipated by Portney. Applicants respectfully traverse the rejection.

Portney teaches a multifocal ophthalmic lens having a plurality of alternating power zones with a continuously varying power within each zone, as well as transitions from one zone to another. A plurality of concentric zones (at least two) are provided to vary from far to near vision correction, i.e., from near correction focal power to far correction focal power, then back to near, and again back to far, or vice versa. Portney, Abstract.

By contrast, Applicants' claim 27 is directed to a monofocal ophthalmic lens comprising, among other things, a first surrounding zone concentric about an inner zone, the first surrounding zone being adapted to compensate for optical aberrations in the image resulting from implanted intraocular lens decentration of greater than at least about 0.1 mm. Portney does not teach nor even suggest a multi-zonal monofocal ophthalmic lens with a surrounding zone adapted to compensate for optical aberrations in an image resulting from implanted intraocular lens decentration of greater than at least about 0.1 mm.

To the contrary, Portney is silent regarding the compensation of optical aberrations in an image due to decentration. Portney suggests, at least in the case of contact lenses, that some lenses are less susceptible to centering problems such as flare and double images. Portney, column 2, lines 66-68. Portney appears to teach that intraocular lenses, including his own, have decentration problems that are "significant", although less pronounced than in the case of contact lenses. Portney, column 7, lines 30-31 and 36-38. Applicants contend that Portney offers no solution to this problem.

Portney appears to be silent regarding a comparison of decentering problems, in the form of flare and double images, experienced by an intraocular lens made according to his invention and a prior art intraocular lens. Thus, one cannot conjecture that Portney teaches even an

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intraocular lens that reduces flare or double images caused by decentration, much less an intraocular lens that compensates for optical aberrations resulting from decentration of greater than at least about 0.1 mm.

Therefore, Portney does not teach all the limitations of claim 27 and, if anything, teaches away from Applicants' invention, as disclosed in claim 27, by acknowledging that decentration is a problem with intraocular lenses, without providing any solution to the problem.

At least because Portney does not teach or suggest all of the limitations of claim 27, Applicants request the Examiner to indicate that amended claim 27 is allowable. Claims 28-31 depend from claim 27 and further define the invention of claim 27. Thus, claims 28-31 are patentable over Portney at least for the same reasons that claim 27 is patentable thereover, and are patentable in their own right as well.

CONCLUSION

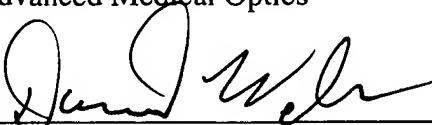
For the foregoing reasons, Applicants respectfully assert that the claims now pending are allowable over the prior art of record. Therefore, Applicants earnestly seek a notice of allowance and prompt issuance of this application.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

Respectfully submitted,
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